

COMMON AND CONTRACT CARRIER
TARIFF REGULATIONS

82-4-53. Common and contract motor carrier rates and charges. (a) Common motor carriers and contract motor carriers of property or passengers, which are engaged in intrastate commerce in Kansas, shall maintain on file with the commission a copy of the tariff publications applicable via their lines between points in Kansas. The carriers shall keep open for public inspection at their principal offices and locations at which they have employed exclusive agents, all intrastate tariff publications applicable via their lines from or to their stations.

(b) Tariff publications changes shall be made subject to thirty (30) days notice to the public and the commission, unless otherwise expressly authorized by order of the commission. Tariff publications of contract motor carriers effecting changes resulting in increases in charges either directly or by means of any change in the regulation or practice affecting a charge or value of service, may be filed on one (1) day's notice to the commission and the public. Applicants granted new authority may file tariffs to be effective on one (1) day's notice. Transferees may adopt the existing tariffs of transferors to be effective on one (1) day's notice.

(c) Tariff publication, except general rate increases, shall not go into effect without prior approval of the commission. The publications will be subject to protest and suspension. All publications shall be accompanied by a full and complete statement citing the reasons and justifications for the changes.

(d) General rate increases shall be made only by filing an application and after approval of the commission by written order.

(e) Protests of tariff publications will be considered only if received by the commission at least twelve (12) days prior to the published effective date of publications. The commission may, pursuant to protest or on its own motion without protest, order postponement of an effective date in order that the matter may properly be investigated. Unless otherwise ordered by the commission publication will become effective as filed. Publications shall not be postponed to exceed ninety (90) days.

(f) All tariff publications shall be made in compliance with the commission's regulations governing the publication and filing of common and contract motor carrier rates and charges. (Authorized by K.S.A. 66-1,112, 66-1,112a, 66-1,112f; implementing K.S.A. 66-108, 66-117, 66-1,112, 66-1,112a, 66-1,112e, 66-1,112f; effective Jan. 1, 1971; amended May 1, 1981.)

82-4-54. Tariff publication to become effective on less than 30 days notice. (a) The commission may permit departure from its requirement in K.A.R. 82-4-53(b) that tariff publications become effective on 30 days notice, providing good and sufficient cause is shown to convince the commission publication should be made on short notice.

(b) The application shall state all related facts or circumstances which may aid the commission in determining if the request is justified. If permission to establish provisions on less than required notice is sought, the petitioner shall state why the proposed provisions could not have been established upon 30 days notice.

(c) Permission to allow a tariff to become effective on less than 30 days notice shall be granted in cases where good cause is shown. Desire to meet tariff Publications of a competing carrier that has been filed on 30 days notice or 1 day notice may be considered a factor for permitting publication on short notice. (Authorized by K.S.A. 66-1,218, 66-1,112, 66-1,112a and 66-1,112f; implementing K.S.A. 66-1,218, 66-1,112, 66-1,112e and 66-1,112f; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1987.)

82-4-55. Procedure for filing request for postponement of tariff publications. (a) The protested tariff publication sought to be postponed shall be identified by making reference to the name of the publishing carrier or agent, to the motor carrier's K.C.C. tariff number and to the specific item or items or particular provisions protested. The protest shall state the grounds, indicate in what respect the protested tariff publication is considered unlawful and state what the protestant offers as a substitution. Protests shall be considered as addressed to the discretion of the commission. A protest shall not include a request that it also be considered as a formal complaint. Should a protestant desire to proceed further against a tariff publication which is not postponed or which has been postponed and the postponement vacated, a separate, later, formal complaint or petition shall be filed.

(b) Protests against, and requests for postponement of tariff publications filed under this regulation shall not be considered unless made in writing and filed with the state corporation commission of Topeka, Kansas. Protests and requests for postponement shall reach the commission at least twelve (12) days before the effective date of the tariff publication, unless the protested publication was filed on less than thirty (30) days notice under the authority of this commission, in which event the protests shall be filed not less than five (5) days before the effective date. In an emergency, telegraphic protests shall be acceptable if received within the time limits, specified in this regulation, provided they also fully comply with Paragraph (a) of this regulation and copies are immediately telegraphed by protestants to the respondent carriers or their publishing agents. An original and five (5) copies of the telegrams should immediately be mailed by the protestants to the commission at Topeka.

(c) An original and five (5) copies of each protest or reply filed under this regulation shall be filed with the commission and one (1) copy of the protest shall simultaneously be served upon the publishing carrier or agent and upon other known interested parties.

(d) A reply to a protest filed under this regulation shall be filed and served promptly.

(e) An order instituting an investigation shall be served by the commission upon respondents. If the respondent fails to comply with any requirements or time period specified in the order the respondent shall be deemed in default and to have waived any further hearing. The investigation may then be decided without further proceedings. (Authorized by K.S.A. 66-108, 66-1,112; implementing K.S.A. 66-108, 66-1,112e; 66-1,112f; effective Jan. 1, 1971; amended May 1, 1981.) 82-4-56. (Authorized by K.S.A. 66-1,112; effective Jan. 1, 1971; revoked May 1, 1981.)

82-4-56. (Authorized by K.S.A. 66-1,112; effective Jan. 1, 1971; revoked May 1, 1981.)

82-4-56a. Common and contract motor carrier tariffs. (a) Tariffs shall be typewritten, printed, mimeographed, planographed, stereotyped or reproduced by other similar, durable process, upon paper of good quality, eight (8) by eleven (11) or eight and one-half (8 1/2) by eleven (11) inches in size.

(b) The title page shall show:

(1) In the upper right-hand corner, the K.C.C. number of the tariff, and immediately below that the K.C.C. number of the tariff cancelled. The first tariff issued by each carrier shall be numbered "K.C.C. no. 1" and succeeding tariffs shall be numbered consecutively. This information may be shown elsewhere on the page or on the second page of the tariff if it applies to interstate as well as intrastate traffic;

(2) The name of the carrier, individual, or organization issuing the tariff;

(3) The names of the participating carriers or a reference to the page in the tariff which contains that information;

(4) If the tariff is a freight, passenger or express tariff, the tariff names' class rates, commodity rates, mileages, rules and regulations, one-way fares, round-trip fares, excursion fares, and if the *tariff applies to local traffic or joint traffic or both;

(5) The territories or points between which the tariff applies briefly stated;

(6) Specific reference to the classification, and to publications containing any exceptions to the classification governing the rates named in the tariff;

(7) The issued and effective date;

(8) The commission's docket number assigned; and

(9) The name, title and complete address of the party issuing the tariff.

(c) The requirements of section (a) of this regulation shall be observed in the construction of circulars and other governing tariff publications. The requirements, except those provided in section (b)(1) shall be observed in the construction of supplements. Supplements shall be numbered consecutively, beginning with the number one (1) and shall show the K.C.C. number of the publication amended, the number of any previous supplements or tariffs cancelled and numbers of the supplements containing all changes from the original publication. This information shall appear in the upper right-hand corner of the supplement unless the supplement applies to interstate as well as intrastate traffic in which case it may be shown elsewhere on the title page or on the second page in the following form:

"Supplement No. 7
to K.C.C. No. 7
Cancels Supplement No. 6
Supplements Nos. 3 and 7
contain all changes"

(d) All freight and express tariffs shall contain:

(1) In clear and explicit terms, all rules, regulations, additional charges and privileges applicable in connection with the rates and charges named in the tariff, all of the services contemplated or specific reference to publications naming such rules, regulations, additional charges, privileges and services;

(2) On tariffs of five (5) pages or more, a complete list of articles, alphabetically arranged, subject to commodity rates named in the tariff;

(3) On tariffs of five (5) pages or more, an index of the points for which specific rates are named in the tariff;

(4) Any exceptions to the application rates and charges named in the tariff;

(5) A full explanation of reference marks and technical abbreviations used in the tariff;

(6) Rates in cents or dollars and cents per one hundred (100) pounds or per ton of two thousand (2,000) pounds or other definite measure; and

(7) The actual distances to be used in connection with any mileage scale named or another definite method by which the distances shall be determined. Specific (point to point) rates should be published whenever practicable.

(e) All passenger tariffs shall show:

(1) Adult fares, definitely and specifically stated in cents or in dollars and cents, per passenger, together with the names of the stations or the stopping places for which they apply, arranged in a simple and systematic manner;

(2) Rules and regulations which are applicable or which contain specific reference to the publications in which they will be found. (Authorized by K.S.A. 66-108, 66-1,112a; implementing K.S.A. 66-108, 66-117, 66-1,112f; effective May 1, 1981.)

K.C.C. No. _____

MC-ID No. _____

Tariff No. _____

TARIFF

OF

Name: _____

Address: _____

Motor Common Carrier Service

Between Points
And Places In Kansas
(As Shown Herein)

ISSUE DATE:

EFFECTIVE DATE:

Issued By:

(Name)

(Title)

(Name of Carrier)

(Street)

(Box)

(City)

(State)

(Zip)

Item No.	Subject And Application
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